

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1, 3-10, 12-18 and 48-71 are pending in this application. Claims 1, 10, 48, 52, 58 and 63 are independent. By this Amendment, Claims 1, 3, 10, 12, 48 and 58-71 are amended, and Claims 2 and 11 are canceled without prejudice. Claim 1 is amended to incorporate the subject matter of Claim 2. Claims 10 and 48 are amended to incorporate the subject matter of Claim 11. Support for the amendments to Claims 58-71 can be found, for example, on page 28, lines 18-20 of the specification. No new matter is added.

The Official Action rejects Claims 1, 10, 48 and 52 on the ground of non-statutory obviousness-type double patenting over Claims 37, 51 and 70 of U.S. Patent No. 6,888,509 to Atherton in view of U.S. Patent No. 6,421,013 to Chung.

Claim 1 recites, *inter alia*, that the second electrically conductive region is electrically coupled to the first conductive region via non-contact coupling. Claims 10, 48 and 52 each recite, *inter alia*, that the second electrically conductive region is coupled to the RFID integrated circuit via non-contact coupling. Claims 37, 51 and 70 of U.S. Patent No. 6,888,509 fail to recite these above features. Further, Chung fails to overcome the deficiencies of Claims 37, 51 and 70 of U.S. Patent No. 6,888,509. Withdrawal of the rejection is respectfully requested.

The Official Action rejects independent Claims 58 and 63 under 35 U.S.C. §112, second paragraph. The Official Action seems to take the position that the specification does not support an RF read/write device being a natural part of the RFID tag. Independent Claims 58 and 63 are amended to obviate the rejection by

defining a combination comprising an RFID tag and an RF read/write device provided remotely from the RFID tag. Withdrawal of the rejection is respectfully requested.

The Official Action's objection to the specification in conjunction with independent Claims 58 and 63 is obviated by the above amendments to Claims 58 and 63. Accordingly, withdrawal of the objection is respectfully requested.

The Official Action rejects independent Claims 1, 10, 48 and 58 under 35 U.S.C. §102(b) over International Application Publication No. WO 01/71848 A1 to Atherton. WO 01/71848 A1 corresponds to U.S. Patent No. 6,888,509 to Atherton. In the remarks below, reference will be made to Atherton's U.S. patent instead of the international application publication.

Independent Claim 1 is directed to an RFID tag including, *inter alia*, a substrate, a first electrically conductive region associated with the top surface of the substrate, and a second electrically conductive region associated with the bottom surface of the substrate and electrically coupled to the first conductive region via non-contact coupling.

Independent Claim 10 recites an RFID tag including, *inter alia*, a substrate, an RFID integrated circuit disposed on the top surface of the substrate, and a second electrically conductive region disposed on the bottom surface of the substrate and electrically coupled to the RFID integrated circuit via non-contact coupling.

Independent Claims 48 is directed to an RFID tag including, *inter alia*, a substrate, an electrically conductive region disposed on the bottom surface of the substrate, and an RFID integrated circuit disposed on the top surface of the

substrate and electrically coupled to the electrically conductive region via non-contact coupling.

Independent Claim 58 recites a combination comprising an RFID tag that includes, *inter alia*, a substrate, an electrically conductive region disposed on the bottom surface of the substrate, and an RFID integrated circuit disposed on the top surface of the substrate and electrically coupled to the electrically conductive region via non-contact coupling.

Atherton discloses a label 1000 including a substrate 1001 having an antenna 1003 and a chip 1002 on a top surface of the substrate 1001, and a tamper track 1005 provided below the bottom surface of the substrate 1001 (see Fig. 10B). The Official Action takes the position that Atherton's antenna 1003 and tamper track 1005 correspond to the claimed first and second electrically conductive regions, and that the chip 1002 corresponds to the claimed RFID integrated circuit. However, the Official Action acknowledges that Atherton's tamper track 1005 is not electrically coupled to Atherton's chip 1002 ("RFID integrated circuit") nor the antenna 1003 ("second electrically conductive region") via non-contact coupling as now recited in independent Claims 1, 10, 48 and 58. Thus, independent Claims 1, 10, 48 and 58 are patentable over Atherton for at least this reason. Accordingly, withdrawal of the rejection is respectfully requested.

In conjunction with independent Claim 52, the Official Action takes the position that U.S. Patent No. 5,892,661 to Stafford et al. ("Stafford") discloses a non-contact coupling, and that it would have been obvious to modify Atherton's device by replacing the electrical through connects 1004 with the capacitive structure formed

by Stafford's conductive plates 21 and 22 shown in Fig. 1 and described in col. 3, lines 21-32 of Stafford. Applicant respectfully disagrees.

One skilled in the art would not have relied on the disclosure of Stafford to modify Atherton's RFID tamper label. Atherton's tamper detection functions by *promoting* disruption to the antenna. On the contrary, Stafford disclosure is directed to *preventing* damage to the antenna of Stafford's smartcard (see col. 1, lines 32-39 of Stafford). One skilled in the art would not have looked to art and corresponding features that *prevent* damage to an antenna in order to modify aspects of a device that functions to *promote* disruption to the antenna. Accordingly, one skilled in the art would not have modified aspects of Atherton's RFID tamper label based on the disclosure of Stafford. Thus, the combination of features recited in independent Claim 10 would not have been rendered obvious by the combination of Atherton and Stafford. Therefore, independent Claims independent Claims 1, 10, 48 and 58 are patentable over the combination of Atherton and Stafford.

The Official Action rejects independent Claim 52 under 35 U.S.C. §103(a) over Atherton in view of Stafford. The rejection is respectfully traversed.

Independent Claim 52 recites an RFID tag including, *inter alia*, a substrate, an RFID integrated circuit disposed on the top surface of the substrate, and a first electrically conductive region associated with the top surface of the substrate and electrically coupled to the RFID integrated circuit via non-contact coupling.

As discussed above, the Official Action acknowledges that Atherton's tamper track 1005 is not electrically coupled to the chip 1002 ("RFID integrated circuit") via non-contact coupling, but takes the position that it would have been obvious to modify Atherton's device by replacing the electrical through connects 1004 with the

capacitive structure formed by Stafford's conductive plates 21 and 22. However, for at least the reasons discussed above with respect to independent Claims 1, 10, 48 and 58, one skilled in the art would not have relied on the disclosure of Stafford to modify Atherton's RFID tamper label. Thus, independent Claim 52 is patentable over the combination of Atherton and Stafford for at least the reasons discussed above. Withdrawal of the rejection is respectfully requested.

The Official Action rejects independent Claim 63 under 35 U.S.C. §103(a) over Atherton in view of U.S. Patent No. 6,859,745 to Carr et al. ("Carr"). The rejection is respectfully traversed.

Independent Claim 63 is directed to a combination comprising an RFID tag including, *inter alia*, a substrate, an electrically conductive region disposed on the bottom surface of the substrate, and an RFID integrated circuit disposed on the top surface of the substrate and electrically coupled to the electrically conductive region via non-contact coupling.

As discussed above, the Official Action acknowledges that Atherton's tamper track 1005 is not electrically coupled to the chip 1002 ("RFID integrated circuit") via non-contact coupling as now recited in independent Claim 63. Carr fails to overcome the deficiencies of Atherton. Further, one skilled in the art would not have relied on the disclosure of Stafford to modify Atherton's RFID tamper label as discussed above. Thus, independent Claim 63 is patentable over the applied references for at least these reasons. Withdrawal of the rejection is respectfully requested.

Claims 3-9, 12-18 and 49-51, 53-57, 59-62 and 64-71 are patentable over the applied references at least by virtue of their respective dependence from patentable

independent Claims 1, 10, 48, 52, 58 and 63. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejections of these claims is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:


Matthew L. Schneider
Registration No. 32814

David R. Kemeny
Registration No. 57241

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620